

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN ELLICOTT,

Plaintiff,

v.

AMERICAN CAPITAL ENERGY, INC.,
THOMAS HUNTON and ARTHUR
HENNESSEY,

Defendants,

and

REDWOOD SOLAR DEVELOPMENT, LLC,

Reach and Apply Defendant.

Civil Action No. 14-CV-12152

PLAINTIFF'S PROPOSED VERDICT FORM

Plaintiff Stephen Ellicott hereby submits his proposed Jury Verdict Form.

December 21, 2016

Respectfully submitted,

STEPHEN ELLICOTT,

By his attorneys,

/s/ Anthony L. DeProspero, Jr.

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JURY VERDICT QUESTIONNAIRE

1. BREACH OF CONTRACT

- A. Did Mr. Ellicott and Defendant American Capital Energy, Inc. have an enforceable contract?

YES _____ NO _____

If you answered “YES” to Question 1(A), proceed to Question 1(B).

If you answered “NO” to Question 1(A), STOP HERE AND PROCEED TO QUESTION 2.

- B. Did American Capital Energy, Inc. breach that contract by failing to pay Mr. Ellicott monies due under the contract?

YES _____ NO _____

If you answered “YES” to Question 1(B), proceed to Question 1(C).

If you answered “NO” to Question 1(B), STOP HERE AND PROCEED TO QUESTION 2.

- C. Please state in numbers and words the total amount of damages you find that Mr. Ellicott has sustained as a result of American Capital Energy, Inc.’s breach of contract.

\$ _____ (dollars)

_____ (words)

PROCEED TO QUESTION 2.

2. VIOLATION OF MASSACHUSETTS WAGE ACT

- A. Did Defendants violate the Massachusetts Wage Act when they failed to pay Mr. Ellicott wages due?

YES _____ NO _____

If you answered “YES” to Question 2(A), proceed to Question 2(B).

If you answered “NO” to Question 2(A), STOP HERE AND HAVE THE FOREPERSON SIGN THE VERDICT FORM.

- B. Please state in numbers and words the total amount of damages you find that Mr. Ellicott has sustained as a result of Defendants' violation of the Massachusetts Wage Act.

\$_____ (dollars)

_____ (words)

In answering Question 2(B), do not reduce your finding because of any damages for which you may find American Capital Energy, Inc. responsible in answering Question 1(C). The Court will take into account your findings, if any, in Question 2(B) in determining what judgment to enter.

PROCEED TO QUESTION 2(C).

- C. Was Thomas Hunton, President of American Capital Energy, Inc., substantially involved in in the management of American Capital Energy, Inc. at the time Mr. Ellicott ceased working at American Capital Energy, Inc.?

YES_____ NO_____

PROCEED TO QUESTION 2(D).

- D. Was Arthur Hennessey, Chief Financial Officer of American Capital Energy, Inc., substantially involved in in the management of American Capital Energy, Inc. at the time Mr. Ellicott ceased working at American Capital Energy, Inc.?

YES_____ NO_____

PLEASE HAVE THE FOREPERSON SIGN THE VERDICT FORM.

FOREPERSON'S SIGNATURE

Date:_____

Time:_____

CERTIFICATE OF SERVICE

I hereby certify that the attached document was filed through the ECF system and was served electronically to the registered attorneys of record on December 21, 2016.

/s/ Anthony L. DeProspero, Jr.

Anthony L. DeProspero, Jr.